

Charles McFadden

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

Melissa McFadden,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Case No. 2:18-CV-544
	:	
City of Columbus,	:	
	:	
Defendant.	:	

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DEPOSITION

of Charles McFadden, taken before me, Karen Sue
Gibson, a Notary Public in and for the State of Ohio,
via Zoom, on Friday, May 20, 2022, at 10:00 a.m.

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1 APPEARANCES:

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8 On behalf of the Plaintiff.

9 City of Columbus, City Attorney's Office
10 By Mr. Paul Bernhart,
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24 On behalf of the Defendant.

ALSO PRESENT:

Ms. Melissa McFadden.

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Charles McFadden

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Friday Morning Session,

May 20, 2022.

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STIPULATIONS

It is stipulated by and among counsel for the respective parties that the deposition of Charles McFadden, a witness called by the Defendant under the applicable Rules of Civil Procedure, may be reduced to writing in stenotypy by the Notary, whose notes thereafter may be transcribed out of the presence of the witness; and that proof of the official character and qualification of the Notary is waived.

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CHARLES MCFADDEN

being by me first duly sworn, as hereinafter
certified, deposes and says as follows:

CROSS-EXAMINATION

By Mr. Bernhart:

Q. Good morning, sir. Would you please
state your name for the record.

A. Yes. My name is Charles McFadden.

Q. And, Charles, you are a firefighter with
the Columbus Division of Fire, correct?

A. Correct.

Q. And what is your rank?

A. Firefighter.

Q. Let's go over some ground rules for
today's deposition. If you don't understand a
question that I've asked, please ask me to rephrase
it or to repeat the question. If you answer any
question, I will assume that you understood it; is
that fair?

A. Yes.

Q. Okay. If you need a break today, just
let me know. I would only ask that you answer any
question that's pending before we take that break,
okay?

1 A. Yes. Okay.

2 Q. And you are doing good so far, but it's
3 important today that you give verbal responses as
4 opposed to shaking your head. The court reporter
5 needs to take down my questions and your answers, so
6 can you agree to do that?

7 A. Yes.

8 Q. Are you suffering from any medical
9 condition that would prevent you from understanding
10 my questions and answering truthfully and accurately?

11 A. No.

12 Q. And don't be offended by this, I ask it
13 of everyone, but are you under the influence of
14 alcohol or any substance that would prevent you from
15 understanding my questions and answering truthfully
16 and accurately?

17 A. No.

18 Q. Have you ever had your deposition taken
19 before?

20 A. No.

21 Q. What did you do to prepare for today's
22 deposition?

23 A. Just thought about the past events. You
24 know, I spoke with my attorney and that was it.

1 Q. Did you meet with anyone other than your
2 attorney?

3 A. No.

4 Q. Did you review any records?

5 A. No.

6 Q. Your wife has filed a lawsuit against the
7 City of Columbus; you understand that, correct?

8 A. Yes, I do.

9 Q. And you've been identified as a potential
10 witness for the upcoming trial. You understand that?

11 A. Yes.

12 Q. What is your general understanding of
13 your wife's claims against the City?

14 A. My understanding is that it's about the
15 City not doing enough to -- I guess to protect her
16 with what's happened on the Department, on the
17 Division of Police.

18 Q. Can you be any more specific than that
19 about what your understanding of her claims in this
20 lawsuit are?

21 A. Well, are we talking about specifically
22 today or over her career or what exactly are you
23 asking?

24 Q. This lawsuit.

1 A. Okay.

2 Q. What is your understanding of -- of the
3 claims in this lawsuit?

4 A. My understanding is that she was assigned
5 to the property room. What else? And just how it
6 was just unjustly and it was just wrong. That's my
7 understanding of it. And the event that happened out
8 of it and the before and after. That's what I
9 understand that this lawsuit is about.

10 Q. When you said you met with your attorney
11 to prepare for today, who is your attorney?

12 A. Sam.

13 Q. Okay. And who was present at that
14 meeting?

15 A. Just me and Sam.

16 Q. And when did that meeting occur?

17 A. Yesterday.

18 Q. How long did you meet with Sam for?

19 A. It was an hour.

20 Q. Are you aware in March of 2017 three
21 African-American police officers came forward with
22 allegations that your wife had made racially
23 inappropriate comments?

24 MR. SCHLEIN: I am going to object to

1 that. The scope of this deposition is purely on
2 Melissa's alleged damages, not to liabilities.
3 Mr. McFadden has been named in this suit. On the
4 26(A) and all of your discovery responses, he was
5 amply available to discuss liability purposes during
6 discovery. So that's not related to damages, so he
7 shouldn't be subject at this deposition.

8 MR. BERNHART: Well, you know, some of
9 these are foundational for, you know, questions that
10 I have today about damages.

11 MR. SCHLEIN: You know, you can go a
12 little bit into this, but if we are going to talk
13 about the nature of the allegations that are against
14 Lieutenant McFadden, that would be subject to the
15 liability, not damages.

16 Q. Do you need me to repeat the question?

17 A. Yes. Yeah.

18 MS. McFADDEN: At this point I am going
19 to object.

20 MR. SCHLEIN: Melissa, that's for me to
21 do.

22 MS. McFADDEN: Okay. Well, can we take a
23 recess? Because I don't agree with this line of
24 questioning.

1 MR. BERNHART: Sam, are you instructing
2 the witness not to answer?

3 MR. SCHLEIN: He can -- can you ask the
4 question again?

5 MR. BERNHART: I will.

6 Q. Mr. McFadden, are you aware in March of
7 2017 at least three African-American police officers
8 came forward with allegations that your wife had made
9 racially inappropriate comments?

10 MR. SCHLEIN: To the extent that he was
11 aware of it in a yes or no sense, I'll allow him to
12 answer. Anything beyond that I think is beyond the
13 scope of what this deposition is and what we agreed
14 to in allowing Mr. McFadden to be dispose -- deposed,
15 excuse me, after the close of discovery.

16 MR. BERNHART: Okay. Your objection is
17 noted.

18 A. Okay. And one more time can you ask that
19 question, please?

20 Q. Are you aware that in March of 2017 at
21 least three African-American police officers came
22 forward with allegations that your wife had made
23 racially inappropriate comments?

24 A. Yes.

1 Q. Do you know any of the officers that made
2 these allegations?

3 MR. SCHLEIN: I am going to object to
4 that. I am going to instruct him not to answer based
5 on our agreement for this deposition.

6 MR. BERNHART: Sam, we believe this goes
7 towards damages, whether he knows the individuals
8 that are the subject of this lawsuit.

9 MR. SCHLEIN: Are we -- how far are we
10 going to go into this, into the actual allegations?

11 MR. BERNHART: I am not asking about any
12 allegations. I am asking whether he knows the
13 officers that made the allegations.

14 MR. SCHLEIN: Can you explain how that
15 goes into -- to his testimony on damages?

16 MR. BERNHART: Because we believe that
17 it's a cause of -- of, you know, any stress that she
18 suffered and any mental anguish. It's directly
19 related to it.

20 MR. SCHLEIN: Whether Mr. McFadden knows
21 these officers?

22 MR. BERNHART: I have questions today
23 about, you know -- you've identified Mr. McFadden,
24 you know, as someone who can testify about -- about

1 damages; and, you know, it goes directly to
2 causation. We need to know -- we want to know what
3 the -- you know, the emotional distress that he's
4 witnessed from his wife or that he's observed. It
5 goes directly to causation.

6 MR. SCHLEIN: All right. Like I said, we
7 are going to have to be very careful with these
8 questions but, you know, there may be a time where if
9 we keep going here, we might have to get the
10 magistrate on the horn, but we will be careful on
11 these.

12 Charles, you can answer if you knew who
13 those three officers were.

14 A. Okay. Yes, I -- I do.

15 Q. You know them personally?

16 A. I know of them. I know of them.

17 Q. Are you able to testify as to their
18 credibility?

19 A. No. I don't know them that well, no.

20 Q. Okay. Do you have any personal knowledge
21 about the allegations that came out against your
22 wife?

23 A. I'm not sure what you are asking when you
24 say personal knowledge of. Like the details? I am

1 not sure. What are you asking?

2 Q. Yes. Are you familiar with the details?

3 A. Yes, I would say so, yeah.

4 Q. You weren't present when any -- when any
5 of these alleged comments were made to your wife,
6 were you?

7 A. Which comments?

8 Q. Any of the comments that -- that these
9 three officers came forward with.

10 A. There's been a lot of things said. I'm
11 not sure. Are you talking like Facebook stuff or
12 like --

13 Q. No. I am asking -- yes, while she was at
14 work, she allegedly made these comments to Officers
15 Tate, Morefield, and Johnson. Were you ever present
16 when those comments were --

17 MR. SCHLEIN: That's -- that's -- no.
18 That's -- that's purely towards liability. You are
19 asking if he was there when these comments were or
20 were not made. That's not causation to alleged
21 damages. That's purely towards liability.

22 MR. BERNHART: Are you instructing the
23 witness not to answer?

24 MR. SCHLEIN: I am at this point for that

1 question, yeah.

2 MR. BERNHART: I will move on for now --
3 right. I'm going to move on for now, but I am going
4 to reserve the right to address that, if needed,
5 later.

6 Q. Moving forward, are you aware that the
7 City conducted an investigation about the allegations
8 that came out against your wife?

9 A. Yes, yes.

10 Q. You don't have any personal knowledge of
11 what that investigation entailed, do you?

12 MR. SCHLEIN: I will make a continuing
13 objection to any of the questions regarding the
14 investigation.

15 You can answer that one.

16 THE WITNESS: I'm sorry. You said I can
17 answer that one or?

18 MR. SCHLEIN: Yes.

19 A. Okay. Ask the question again, please.

20 Q. Sure. You don't have any personal
21 knowledge of what the investigation actually
22 entailed, do you?

23 A. Yes, I have some knowledge of it.

24 Q. Were you involved in any way in the

1 investigation?

2 A. No.

3 Q. Okay. Were you interviewed as part of
4 the investigation?

5 A. And let me make sure I am clear now, you
6 are asking about the Internal Affairs investigation?

7 Q. Correct. Correct.

8 A. Okay. No, I wasn't involved at all.

9 Q. Did you ever speak with the -- with the
10 Sergeant who conducted the investigation?

11 A. No.

12 Q. Okay. While the investigation -- while
13 the investigation occurred, your wife was reassigned
14 temporarily to the property room. Are you aware of
15 that?

16 A. Yes.

17 Q. And this also occurred in March of 2017?

18 A. Yes.

19 Q. During the course of today's deposition,
20 I am going to be referring to, you know, the events
21 of March 2017. Could we agree that you understand
22 when I refer to March of 2017 to be, you know -- the
23 date that I am referring to is when your wife was
24 reassigned to the property room?

1 A. Yes.

2 Q. Does that make sense? Okay.

3 A. Yes.

4 Q. Do you have any personal knowledge as to
5 the reason the Division reassigned your wife to the
6 property room?

7 A. Yes.

8 Q. And what's your personal knowledge?

9 A. She was reassigned due to the allegations
10 that were made against her, you know.

11 Q. Okay. But do you know why -- you know,
12 specifically why the City reassigned her to the
13 property room as opposed to anywhere else?

14 MR. SCHLEIN: Objection.

15 A. No.

16 Q. Okay. And you don't have any personal
17 knowledge of what your wife was assigned to do in the
18 property room, do you?

19 A. Yes, I do.

20 Q. And what's your personal knowledge of
21 that?

22 A. She was assigned to the property room to
23 count the ballistic vests, to, I guess, record by the
24 serial numbers the ones that are being taken out of

1 service, and organize that.

2 Q. And that's what she told you, correct?

3 A. Yes.

4 Q. Other than what she told you, do you have
5 any knowledge of what she was doing in the property
6 room?

7 A. No.

8 Q. Do you know Rhonda Grizzell?

9 A. I know of her. I don't know her
10 personally.

11 Q. These questions are do you know them
12 personally. Do you know Commander Gardner
13 personally?

14 A. No.

15 Q. Do you know Deputy Chief Kuebler
16 personally?

17 A. No.

18 Q. Do you know former Chief Kim Jacobs
19 personally?

20 A. No.

21 Q. You are aware that Chief Jacobs
22 recommended that your wife be terminated, correct?

23 MR. SCHLEIN: Objection. You can answer.

24 A. Okay. Say that question again.

1 Q. You are aware that Chief Jacobs
2 recommended that your wife be terminated, correct?

3 A. Yes.

4 Q. And ultimately your wife received no
5 discipline out of the investigation, correct?

6 A. Correct.

7 Q. And that's because the Director of Public
8 Safety did not sustain the charges against your wife,
9 correct?

10 A. Yes, that's correct.

11 Q. You don't have any personal knowledge as
12 to why the Chief of Police recommended your wife be
13 terminated, do you?

14 A. Yes, I feel I do. I feel I do.

15 Q. What's your personal knowledge?

16 A. You know, my knowledge is from reading
17 and what was in the newspaper, what was sent -- what
18 was put out by the news media and then just, you
19 know, what my wife had told me.

20 Q. Okay. Other than what you read or saw in
21 the media and what your wife told you, do you know
22 personally why Chief Jacobs recommended that your
23 wife be terminated?

24 A. I mean, I think that's -- I think that

1 tells me why that she was. I mean, I didn't sit down
2 and talk with Chief Jacobs; but, you know, I feel --
3 I feel pretty confident that I know that's the
4 reasons that she recommended that.

5 Q. And what are the reasons that you
6 understand?

7 A. Well, what you said earlier, how -- you
8 know, about the allegations that you spoke of
9 earlier, you know, those reasons, I believe, is why
10 she recommended her for termination.

11 Q. Okay. Do you know why -- do you know why
12 the Public Safety Director did not sustain the
13 charges against your wife?

14 MR. SCHLEIN: Objection. You can answer.

15 A. Okay. Again, that's the same -- I would
16 give the same response. I believe just from, again,
17 what I saw in the media, talking with my wife, and
18 then, you know, I feel confident in what I know with
19 that to why that it was given -- why she was given no
20 discipline.

21 Q. Okay. So is it fair to say that any
22 knowledge you have regarding the allegations that
23 were made against your wife, the reassignment to the
24 property room, the investigation, the disciplinary

1 charges, and the outcome of those disciplinary
2 charges all come from what you saw or read in the
3 media or what your wife told you?

4 A. Correct. Yes.

5 Q. Okay. Mr. McFadden, what's the last
6 grade level you completed of schooling?

7 A. Completed, I completed 12th grade or my
8 senior year.

9 Q. Did you attend any college?

10 A. Yes, attended a lot of college.

11 Q. Okay. Did you graduate from college?

12 A. No.

13 Q. Where did you attend college?

14 A. My first college was University of
15 Maryland along with Park College, did University of
16 Phoenix, went to Ohio State University, and I think
17 that was all my schooling collegewise, a lot of trade
18 schooling and all.

19 Q. And how many credits short are you from
20 graduating from college?

21 A. I've never figured it out. I've been
22 told I'm pretty close. I just haven't put it
23 together to -- to complete. Whether it's an
24 Associate's or how far from a Bachelor's, I'm not

1 sure.

2 Q. What trade school have you attended?

3 A. Paramedic school. I'm not sure if that's
4 considered --

5 Q. Where did -- I'm sorry for talking over
6 you. One of the other ground rules for today I've
7 just violated, it's important because there's a court
8 reporter taking this all down, that you let me finish
9 my questions before you answer, and I am going to do
10 my best to let you finish your answer before asking
11 the next question.

12 So I want to be clear, where did you
13 attend paramedic school?

14 A. Through Columbus Fire which is a joint
15 venture with Columbus State Community College.

16 Q. And when did you graduate or complete
17 that program?

18 A. Let's see, I want to say actually 2015.

19 Q. Did you receive a certification?

20 A. Yes. National Reg -- it was the National
21 Registry Certification.

22 Q. Do you have any other certifications?

23 A. No.

24 Q. Have you ever served in the military?

1 A. Yes.

2 Q. Which branch?

3 A. The Marine Corps.

4 Q. And when were you discharged?

5 A. 1995 of -- I think it's October 31, 1995.

6 Q. Was it -- did you receive an honorable
7 discharge?

8 A. Yes.

9 Q. Are you currently employed?

10 A. Yes.

11 Q. Okay. And you are employed with the
12 Columbus Division of Fire?

13 A. Yes.

14 Q. Do you have any other employment?

15 A. Yes, sir; yes, I do.

16 Q. Where else are you employed?

17 A. Southwest Airlines.

18 Q. And what do you do at Southwest Airlines?

19 A. I am an operations agent.

20 Q. Can you just generally describe what that
21 is or what you do in that position?

22 A. Yes. I'm responsible for the weights and
23 balances for the aircraft, and I board the customers,
24 get them on the plane, the ticket agent part of it.

1 Q. How many hours a week do you work as a
2 firefighter?

3 A. 40 hours a week.

4 Q. And how many hours a week do you work at
5 Southwest?

6 A. Between -- between 30 and 40 right now.
7 It hasn't always been like that, but it is now so.

8 Q. How long have you worked for Columbus
9 Division of Fire?

10 A. For 23 years.

11 Q. And what station are you currently
12 assigned?

13 A. I'm assigned to the Training Academy
14 under the React and Spark Program.

15 Q. And how long have you been assigned to
16 the Training Academy?

17 A. For three years now.

18 Q. Where was your assignment prior to that?

19 A. Station 18 on Cleveland Avenue.

20 Q. How long did you work there?

21 A. I worked there for another five years.

22 Q. Who is -- who is currently your direct
23 supervisor?

24 A. Isaac Tolliver.

1 Q. Is he -- is he a Sergeant or Lieutenant?

2 A. A Lieutenant.

3 Q. Lieutenant, so Lieutenant Tolliver?

4 A. Yes, uh-huh.

5 Q. Okay. And who was your supervisor when
6 you were at Station 18?

7 A. Let me see, we had -- it's hard to
8 explain in short words, but we had -- we have
9 Lieutenants that come in, come out, so I didn't
10 really have a -- like a long-standing supervisor. I
11 guess I would say you probably could put down Chief
12 Moore, Chief Sean Moore.

13 Q. Were you ever supervised by Ned Pettus?

14 A. He was the Chief of the Fire Department
15 but not a direct supervisor.

16 Q. Okay. Did you ever work directly with
17 Ned Pettus?

18 MR. SCHLEIN: Objection.

19 A. No.

20 MR. SCHLEIN: He is not relevant to
21 damages.

22 Q. Was your answer no?

23 THE WITNESS: Can I answer that?

24 MR. SCHLEIN: Yeah.

1 A. Okay. No, I was -- no.

2 Q. Okay. Do you have any relationship with
3 Ned Pettus?

4 MR. SCHLEIN: Objection. And we are not
5 going to answer that one. This has nothing to do
6 with damages, his relationship or lack thereof with
7 Ned Pettus.

8 MR. BERNHART: You are instructing the
9 witness not to answer?

10 MR. SCHLEIN: Correct.

11 Q. Okay. Did you ever speak with Director
12 Pettus about your wife's case?

13 MR. SCHLEIN: Objection. I am going to
14 instruct him not to answer. Again, this doesn't have
15 to do with damages. If you wanted to know about
16 whether Mr. McFadden spoke with Mr. Pettus about, you
17 know, Lieutenant McFadden's case, that could have
18 been done during liability discovery, but we decided
19 to do this for damages and this doesn't have to do
20 with damages.

21 Q. Okay. Well, earlier you testified that
22 you don't have any, you know, personal knowledge
23 outside of what you read in the media, saw in the
24 media, or what your wife told you as far as why

1 Director Pettus did not sustain the charges; is that
2 true?

3 A. Yes.

4 Q. Okay. Do you golf with Mr. Pettus?

5 MR. SCHLEIN: I am going to object and
6 say he is not going to answer that one either.

7 MR. BERNHART: You are instructing the
8 witness not to answer?

9 MR. SCHLEIN: Correct.

10 Q. You've worked with the Columbus Division
11 of Fire for 23 years, correct?

12 A. Yes.

13 Q. Has that always been in the capacity as a
14 firefighter?

15 A. Yes.

16 Q. Have you ever held any rank higher than
17 firefighter?

18 A. No.

19 Q. In addition to being a firefighter, are
20 you also a paramedic?

21 A. Yes.

22 Q. In your current role at the -- at the
23 Training Academy, do you respond to -- are you a
24 first responder to fires or to emergency situations?

1 A. Yes. I still -- still -- still will do
2 that but not, you know, out -- not out of the
3 Training Academy. That's not my job there. It's a
4 different kind of job.

5 Q. Well, for the last three years, you've
6 been assigned to the Academy. Are you also assigned
7 to any station?

8 A. I'm still assigned to a station, but I
9 don't -- I don't report to that station.

10 Q. In the last three years, have you
11 responded to any fires or emergency situations?

12 A. Yes, I have.

13 Q. Have you been subject to discipline at
14 any point during your career?

15 A. Let me think here. Yes, yes.

16 Q. I want to walk through each of those
17 disciplines. When -- to the best of your
18 recollection, when was the last time you were
19 disciplined?

20 A. Think here. I think I am going to go
21 back to in '99. 2002. I believe it was 2002.

22 Q. So did you start with the Division in
23 '99?

24 A. Yes.

1 Q. Okay. And in 2002 what were you
2 disciplined for?

3 A. I believe it was for I didn't pass -- I
4 think I didn't pass a test or some testing. I don't
5 know if it was EMT testing at the time. And they
6 write up a form, and you just sign it, so it was --
7 you know, that's all it was.

8 Q. Sounds like a written counseling-type
9 thing?

10 A. Correct. Correct.

11 Q. Has there been any other time you've been
12 disciplined by the Division?

13 A. No.

14 Q. Have you ever filed an EEO complaint
15 during the time you've been employed with the
16 Division of Fire?

17 A. No.

18 Q. Have you ever been the subject of an EEO
19 investigation during the time you've been employed
20 with the Division of Fire?

21 A. No.

22 Q. Have you ever worked in the Division of
23 Fire's Internal Affairs Bureau or its equivalent?

24 A. No.

1 Q. Have you ever conducted an administrative
2 investigation at the Division of Fire?

3 A. I have been a part -- a part of
4 investigations through our union, but I haven't
5 conducted one, been a part.

6 Q. So you have been like a witness during an
7 investigation?

8 A. I was a union steward years ago, so I
9 have a little knowledge of how that works so.

10 Q. That was going to be the next question I
11 ask is have you ever served as a union steward?

12 A. Yes.

13 Q. When did you serve as the union steward?

14 A. Let's see, let me go through my career
15 here. I can't remember the exact dates. I want to
16 say from maybe 2005 to 2010, I believe. I would have
17 to look back over my record that I have.

18 Q. And what did you do in that role as union
19 steward?

20 A. You work with the Local 67, our union,
21 fire union, to, you know, pass the information that
22 the union has and represent firefighters when they
23 are being charged with -- with some sort of
24 violation.

1 Q. So you would represent the firefighter
2 during their interviews and if the case proceeded to
3 arbitration?

4 A. Actually that's a bad word to use. Not
5 represent, just stand by their side basically,
6 just -- just...

7 Q. Be their union representative?

8 A. Right, right. Just make sure that --
9 that the investigator's not going outside the
10 questioning that is -- you know, make sure they are
11 not being charged so.

12 Q. So during those -- are you finished
13 answering?

14 A. Yes.

15 Q. Okay. During those 5 or 10 years that
16 you served as a union steward, did you ever represent
17 any officers that were being charged with EEO
18 violations?

19 A. No.

20 Q. You are, of course, married to Melissa
21 McFadden, correct?

22 A. Correct.

23 Q. When were you married?

24 A. 2008.

1 Q. And did you date prior to getting married
2 to her?

3 A. Yes.

4 Q. For how long?

5 A. Six years.

6 Q. Did you know her prior to that, prior to
7 dating her?

8 A. Yes.

9 Q. How long have you known your wife?

10 A. I believe it was February of 2000.

11 Q. Where did you meet her?

12 A. I believe met at -- at the Fire Academy.
13 Yeah, Fire Academy.

14 Q. So did you ever know her outside of the
15 Academy other than in your dating and married life?

16 A. No.

17 Q. Do you have any previous marriages?

18 A. Yes.

19 Q. How many?

20 A. Two.

21 Q. Do you have any children with Melissa?

22 A. We have a child we raise together, yes.

23 Q. And how old is that child now?

24 A. 21.

1 Q. And did that child come from one of your
2 previous marriages?

3 A. Yes.

4 Q. And what's that child's name?

5 A. Charles Lamont Isaiah McFadden.

6 Q. Do you have any other children?

7 A. No.

8 Q. Does your wife have any other children?

9 A. No.

10 Q. Do you live with your wife?

11 A. Yes.

12 Q. Have you lived with her continuously
13 since March of 2017?

14 A. Yes.

15 Q. Do you share any hobbies with your wife?

16 A. Yes.

17 Q. Can you briefly describe what those
18 hobbies are?

19 A. I'm not sure if you can call it a hobby,
20 but we watch a lot of shows, different shows that we
21 like together. We like to travel and go to the same
22 places, you know, see the same type of shows. I am
23 not sure if you can call that hobbies, but we like to
24 do a lot of trips together.

1 Q. Okay. Can you tell me what some other
2 things you like to do together are?

3 A. That's -- that's our life, you know,
4 just -- just spending time when we can together and
5 enjoying different things around the house and all
6 and when we go places.

7 Q. Has any of that changed since March of
8 2017?

9 A. Yes.

10 Q. Okay. Can you describe how it's changed?

11 A. You want me to go back to March of 2017
12 or now? Which -- what time frame are you
13 specifically asking for?

14 Q. Let's talk about watching T.V. together.
15 You said that's one of the activities that you like
16 to share with your wife is watching different T.V.
17 shows together. You know, prior to March of 2017,
18 did you enjoy watching T.V. shows with your wife?

19 A. So again, so prior to -- so you're saying
20 before then -- before March of 2017.

21 Q. Yes.

22 A. Okay. Before then, yes, yes.

23 Q. Did you continue to watch television
24 shows with your wife after March of 2017?

1 A. From what -- from that time frame, no.
2 We -- it was drastically -- you know, drastically
3 less, a lot less actually.

4 Q. And what was the reason that you stopped
5 watching T.V. shows together?

6 A. I believe she was dejected just from
7 everything that had happened and no one -- she
8 didn't -- just wasn't interested with everything
9 going on, you know, just can't focus so.

10 Q. Do you have Netflix?

11 A. Yes.

12 Q. Do you guys watch a lot of programs
13 together on Netflix?

14 A. Yes.

15 Q. What are some of your favorite shows?

16 A. Netflix, let's see, we've watched not a
17 whole lot of series. Trying to think the last thing
18 we watched on Netflix. Let me think here. I know we
19 watched -- oh, yeah, Ozark. I don't know why I
20 couldn't think. Yeah, Ozark, we went through that
21 whole season, a little bit of Squid Games, and just
22 other random movies that we've watched.

23 MR. SCHLEIN: No asking about password
24 sharing.

1 Q. I won't ask about password sharing. And
2 you've watched those in recent years. I know the
3 Squid Games just came out I think a year ago.

4 A. Yeah.

5 Q. And Ozark has over the last few years
6 come out with different seasons.

7 A. Right, yeah, uh-huh.

8 Q. And you said that, you know, you
9 decreased watching T.V. shows because of everything
10 that occurred with your wife. And when you say
11 everything, are you talking about, you know, the
12 investigation, the recommended termination, and all
13 of that?

14 A. Yeah.

15 Q. All that played a factor in, you know,
16 your wife's decreased attention span and things like
17 that that you just described?

18 A. Yes.

19 Q. Okay. Do you and your wife have a
20 current favorite T.V. show?

21 A. Yes.

22 Q. And what is that?

23 A. Walking Dead, Fear of the Walking Dead,
24 just getting into catching up with -- what's that

1 show? Like the vikings, what is it called or? Game
2 of Thrones. I am just starting to watch that.

3 Q. And you watch both of those with your
4 wife?

5 A. Yes.

6 Q. You mentioned that you guys like to
7 travel. Have you been on any vacations in the last
8 few years?

9 A. Yes.

10 Q. Where -- where have you vacationed? When
11 was your last vacation? Let's start there.

12 A. Last vacation was Las Vegas.

13 Q. Did you go with your wife?

14 A. Yes.

15 Q. And when was that?

16 A. I think just a couple weeks ago.

17 Q. Did you guys have fun?

18 A. Yes, yeah.

19 Q. So Las Vegas a couple weeks ago. Prior
20 to that when was your last vacation?

21 A. Let me see here, Las Vegas and -- oh, we
22 went to Brooklyn, New York. That was in the fall
23 of -- this is 2022. 2021, let's say around August,
24 September time frame we went there.

1 Q. Did you have fun in Brooklyn?

2 A. Yes.

3 Q. Did you guys go for pleasure, I assume?

4 A. Yes, pleasure.

5 Q. So Vegas, Brooklyn. How about prior to
6 Brooklyn, did you travel? Let me ask, did you go
7 with your wife to Brooklyn?

8 A. Yes.

9 Q. Okay. Prior to that when was your last
10 vacation?

11 A. Let's see, we went to -- we go to Phoenix
12 a lot. I am trying to think when. It was -- let's
13 see, I can't remember exactly if it was during the
14 summer. It might have been summer or late springtime
15 of last year.

16 Q. Last year? You say you go to Phoenix a
17 lot. Is there a particular reason you go to Phoenix
18 a lot?

19 A. Yeah. My dad and my son live out there.

20 Q. Okay. Have you and your wife been out to
21 Phoenix, you know, more than -- more than once in the
22 last few years?

23 A. Yes.

24 Q. Okay. More than five times?

1 A. Probably right about five times, I would
2 say.

3 Q. And maybe how about since -- since 2017?
4 Is that what you are talking about, five times?
5 About once a year?

6 A. Let's see, we -- I'm sorry. Ask me that
7 again, please.

8 Q. Sure. You testified that you -- you and
9 your wife have gone out to Brooklyn. You have got
10 family there. You know, in the last five years, how
11 many times would you say you've been to Phoenix?

12 A. No, we don't have family in Brooklyn but
13 Phoenix.

14 Q. Oh, Phoenix, Phoenix.

15 A. Right. But Phoenix, I don't know, since
16 2017, I would have to look back exactly, but I know
17 we increased it after -- my dad has been there a long
18 time, but we started going out there more I would say
19 20 -- 20, I don't know, 19 or so so. As far as how
20 many times, I couldn't tell you. I would have to
21 look back. We go there a few times a year at least
22 so.

23 Q. Okay. And in addition to seeing your --
24 your dad, do you also, you know, do other activities

1 while you are out there?

2 A. Yes.

3 Q. I've never been to Phoenix. Do you have
4 a good time when you go out there?

5 A. Yes.

6 Q. Other than Phoenix, Brooklyn and Vegas,
7 have you been anywhere else in the last five years?

8 A. Yes.

9 Q. For vacation?

10 A. Yes.

11 Q. Where else?

12 A. Went to San Francisco, been to San
13 Antonio to River Walk. Where else? And we've been
14 to Manhattan, so we've been a lot of places here.
15 You know, like I said, since 2019 I would say so.

16 Q. Yeah. All those, San Francisco, San
17 Antonio, Manhattan, all pleasure?

18 A. All pleasure.

19 Q. Okay. And all with your wife?

20 A. Yes.

21 Q. And it sounds like you like to travel.
22 Prior to all this happening with your wife in 2017,
23 did you guys -- did you guys travel a lot before that
24 too?

1 A. We traveled some, yes.

2 Q. Have you -- has the travel increased in
3 the last few years?

4 A. Just since 2019.

5 Q. Okay. Any particular reason?

6 A. You know, my -- you know, I work for the
7 airlines, so it makes it easier and then trying to
8 make -- make a point to travel and try to be happy,
9 you know, so I think -- I think that those are the
10 main reasons.

11 Q. Okay. That makes sense. I assume that,
12 you know, traveling around the country makes you
13 happy, makes your wife happy; is that fair?

14 A. Yes.

15 Q. We talked about T.V. shows. We talked
16 about travel. One of the other things you mentioned
17 was that you guys like to see the same type of shows.
18 Are you talking about something other than T.V.?

19 A. Yes.

20 Q. And what are you talking about?

21 A. Comedy shows. What else? When we went
22 to Vegas, we saw John Legend, music artists. What
23 else? Movies, things like that.

24 Q. Do you guys go to a lot of concerts?

1 A. No, no, not a lot, just if we find
2 someone -- hear about someone we may want to see,
3 then we will.

4 Q. You got to see John Legend in Vegas?

5 A. Yes.

6 Q. You like -- you mentioned you like
7 comedy. Did you guys go to the Funny Bone a lot?

8 A. Not a lot, no. Actually I can't remember
9 the last time we went to the Funny Bone, but we have
10 been there a couple times, I think, so.

11 Q. A couple times in the last couple of
12 years?

13 A. No, no, not -- it's been much longer ago
14 than that so.

15 Q. Part of that because during COVID I don't
16 know how much was going through Funny Bone. Is there
17 anywhere else you guys like to watch comedy?

18 A. No. Maybe on Netflix but that's all, so.

19 MR. SCHLEIN: So I am keeping things
20 clear, are you asking about 2017 to present these
21 questions or just kind of more generally?

22 MR. BERNHART: Well, yes, I am talking
23 about, you know, recently.

24 MR. SCHLEIN: Okay.

1 Q. Prior -- prior to seeing John Legend in
2 Vegas, what was the last concert you and your wife
3 saw?

4 A. We saw Lionel Richie in Vegas.

5 Q. In Columbus?

6 A. No, in Las Vegas.

7 Q. When was that?

8 A. I can't remember. I don't know. It
9 might have been 2020 I'm thinking because of COVID
10 and everything. Actually I think -- well, I can't
11 remember exactly when it was.

12 Q. Have you been to Las Vegas more than once
13 in the last few -- in the last five years?

14 A. Yes.

15 Q. How many times have you been to Vegas in
16 the last five years?

17 A. I think three times.

18 Q. All for pleasure?

19 A. Yes.

20 Q. You and your wife?

21 A. Yes.

22 Q. So on all these trips that you go on with
23 your wife, does anyone else go with you?

24 A. No.

1 Q. Is there anything else you and your wife
2 like to do -- that you like to do together we haven't
3 discussed?

4 A. Nope.

5 Q. Are there any -- are there any activities
6 that your wife does that you don't enjoy doing so you
7 let her do those on her own time? Does that make
8 sense?

9 A. Say that again now.

10 Q. Is there -- does -- is there things that
11 your wife likes to do that maybe you don't like to do
12 so she does them, you know, by herself or with other
13 friends?

14 A. She likes -- she likes helping people a
15 lot, you know, in whatever way she can so, I don't
16 know, in different ways so.

17 Q. You and your wife are close, aren't you?

18 A. Yes.

19 Q. Have you and your wife moved since 2017,
20 moved residences?

21 A. Yes.

22 Q. When did you move?

23 A. We moved in -- just two years ago.

24 Q. 2020. So is that the current residence

1 you two live in together?

2 A. Yes.

3 Q. Did you move outside of Columbus?

4 A. Yes.

5 Q. To a nice new house, I hope?

6 A. Yes.

7 Q. Bigger house?

8 A. Yes.

9 Q. Who does the cooking in the household?

10 A. We both -- we both -- we both cook, but I
11 cook more, a lot more so.

12 Q. Do you guys cook together?

13 A. Sometimes.

14 MR. SCHLEIN: If you ask who the better
15 cook is, you might get him in trouble.

16 Q. I won't ask that. You guys cook together
17 sometimes. Who does the cleaning in the house?

18 A. I would say I do. I do most of the
19 cleaning.

20 Q. Going back to cooking, is that something
21 you and your wife have always liked to do together?

22 A. No, huh-uh, no.

23 Q. Something more -- that's something more
24 recent that you've been doing together?

1 A. Correct, yes.

2 Q. Okay. Is that something that started in
3 the last few years?

4 A. Cooking together more?

5 Q. Uh-huh, yes.

6 A. Yes, yes.

7 Q. And, I'm sorry, I just asked this. Who
8 does the cleaning in the house?

9 A. I would say I do the majority of the
10 cleaning.

11 Q. Who does the laundry?

12 A. We both do our own laundry so.

13 Q. That sounds like you guys, you know,
14 share in the household chores; is that fair to say?

15 A. I would say I do more of the household
16 chores, just Melissa -- she's so busy and just, you
17 know, consumed, tied up with other things, so I would
18 say more me than her.

19 Q. You mentioned that, you know, over the
20 last few years you've been -- you know, you've been
21 traveling more. You started cooking together. Has
22 everything that your wife has been through brought
23 you guys closer together?

24 A. I believe we've always been close

1 together. You know, so I wouldn't say it brought us
2 closer; but, you know, I've been more sympathetic,
3 you know, just trying to support her with everything
4 so.

5 Q. And you supported her through everything
6 she's went through, correct?

7 A. Yes.

8 Q. And when I say all she's went through,
9 I'm talking about, you know, with the City, you know,
10 with the investigation, with the recommended
11 termination, and all of that. You've been supportive
12 of her?

13 A. Yes.

14 Q. Who does the grocery shopping?

15 A. Same type of -- as before, I do the
16 majority of it, but sometimes we will shop together.

17 Q. Okay.

18 A. Or we'll --

19 Q. Weekends?

20 A. Mainly weekends, yes.

21 Q. Yeah. You guys go to Costco or anything
22 like that?

23 A. Yep, Costco, yes.

24 Q. Do you guys like to go there together?

1 A. Yes.

2 Q. Okay. You and your wife have a regular
3 sex life?

4 A. Yes.

5 Q. Has that changed since 2017?

6 A. Yes.

7 Q. How has it changed?

8 A. Well, only -- it's more now, you know,
9 than -- than it was before, you know, so.

10 Q. That seems to be like the common theme
11 that, you know, just may have drawn you even closer
12 together through all this?

13 A. No. It's like I said before, just we've
14 always been close but, you know, if -- when something
15 is going through her head, when she's consumed with
16 something, Melissa, when she's tied up with -- if her
17 mind is not right, then she just doesn't feel like it
18 basically and didn't feel like it at all pretty much
19 so.

20 Q. Now you guys are -- have a
21 pretty intimate -- more intimate than ever now, would
22 you say?

23 A. Yes.

24 Q. Okay. Do you have knowledge regarding

1 your wife -- your wife's history of medical treatment
2 or mental health treatment?

3 A. I'm not sure what you are asking when you
4 say do I have knowledge of it. Did I -- I am not
5 sure what you are saying.

6 Q. Why -- you know, since you've been
7 married, I mean, you'd know if she suffered an
8 injury; is that fair to say?

9 A. Yes.

10 Q. That's not something she would hide from
11 you; is that correct?

12 A. Correct. Yes.

13 Q. She -- she suffered a shoulder injury in
14 2017, right?

15 A. Yes.

16 Q. Do you know if since -- since March of
17 2017, has your wife received any mental health
18 treatment?

19 A. Yes.

20 Q. Who did she have mental health treatment
21 through?

22 A. We had -- Melissa had the therapist that
23 she would go and talk with provide -- through our
24 United Healthcare so.

1 Q. Did you ever go with her to any of those
2 sessions?

3 A. No, huh-uh, no.

4 Q. Have you and her attended any therapy
5 together since 2017?

6 A. Yes.

7 Q. But couple's counseling?

8 A. No.

9 Q. What type of therapy have you attended
10 together?

11 A. What was it? Just dealing with our son
12 at the time.

13 Q. Was it with a psychiatrist or
14 psychologist?

15 A. Right, not the type that prescribes
16 medicine, the other type so.

17 Q. Psychologist.

18 A. Psychologist, right.

19 Q. So was -- was that dealing with
20 difficulties you were having with your son?

21 A. Yes.

22 Q. Okay. Does your son live with you guys?

23 A. No.

24 Q. Okay. When did -- when did he last live

1 with you?

2 A. Let's see, I believe it was 20 -- I think
3 2018 is when he last lived with us.

4 Q. Have you had difficulties with him since
5 he's left, since he's moved out?

6 A. No.

7 Q. So the therapy sessions that you and your
8 wife attended together regarding your son, was that
9 prior to him moving out?

10 A. Yes, yes.

11 Q. So it would have been prior to 2018?

12 A. Yes.

13 Q. Or leading into -- between March of 2017
14 and 2018 when he moved out, is that a time frame that
15 you were attending therapy with your wife regarding
16 your son?

17 A. Yes.

18 Q. Do you recall the name of the therapist?

19 A. Dr. Warren Bertner.

20 Q. Is he affiliated with some -- with a
21 group? Do you know?

22 A. No.

23 Q. What were the difficulties that you were
24 dealing with?

1 A. With?

2 Q. With your son.

3 A. Think here. Just a little bit of
4 defiance, not wanting to do his -- his school work,
5 staying out, not telling us where he was at times,
6 things like that.

7 Q. I've got a son, and I deal with similar
8 issues. I can imagine that's, you know, a great
9 source of stress on both of you or that was a --

10 A. Yes, yes.

11 Q. Yeah. Did he graduate high school?

12 A. Yes.

13 Q. Is your son married?

14 A. No.

15 Q. Does he live in Columbus?

16 A. No.

17 Q. Columbus area?

18 A. No.

19 Q. No? Where does he live?

20 A. He lives just outside Glendale, Arizona.

21 I can't remember the city.

22 Q. When did he move there?

23 A. I believe he moved there in 2022 -- or,
24 I'm sorry, this is 2022. I want to say last -- early

1 last year.

2 Q. Prior to that was he living in the
3 Columbus area?

4 A. Yes.

5 Q. So he moved out in 2018 and lived in the
6 Columbus area for a few years after that. During the
7 last few years, have you regularly seen him?

8 A. Not regularly. You know, not every day
9 if that's what you mean by regularly so.

10 Q. Did he move out after he graduated high
11 school?

12 A. Yes.

13 Q. Did he live with you and Melissa all
14 throughout high school?

15 A. No.

16 Q. Who did he live with?

17 A. His last year he lived with my dad out in
18 Arizona.

19 Q. Did you have -- prior to that did you
20 have full custody of your son?

21 A. Yes.

22 Q. And prior to moving out to Arizona the
23 last year of high school, had he lived with you and
24 Melissa up until that point?

1 A. I'm sorry. Say that again.

2 Q. Sure. Prior to him moving to Arizona or
3 to live with your dad, you said.

4 A. Yes.

5 Q. Was that in Arizona?

6 A. He -- I'm not sure I am understanding
7 your question.

8 Q. Let me go back. You said he graduated
9 high school.

10 A. Correct.

11 Q. Where did he graduate from?

12 A. He graduated without -- he graduated from
13 Independence High School in Glendale, Arizona.

14 Q. Okay.

15 A. I believe it was that last -- his last
16 year 2018 so.

17 Q. Prior to moving out to Arizona, was he
18 living with you and Melissa?

19 A. Yes.

20 Q. And was one of the reasons or the primary
21 reason for him moving out to Arizona to live with
22 your dad the difficulties that you had with him here
23 in Ohio?

24 A. Yes.

1 Q. Is that something that your son -- that
2 you kind of always dealt with throughout his life?

3 A. No. I wouldn't say that, no.

4 Q. High school years?

5 A. Not freshman year but maybe the middle
6 years.

7 Q. Sophomore, junior years?

8 A. Right, correct.

9 Q. I know that Melissa wasn't the biological
10 mother of your son, but for all intents and purposes,
11 was she his mother?

12 A. Yes.

13 Q. Did he call her mom?

14 A. Yes.

15 Q. Did she ever -- did she have a close
16 relationship with him?

17 A. Yes.

18 Q. Was that a difficult decision letting him
19 move to Arizona to live with your dad?

20 A. Yes.

21 Q. How often did you guys have counseling
22 sessions with Warren -- is it Bertner?

23 A. Bertner, yeah.

24 Q. How often were you seeing Dr. Bertner?

1 A. I think we saw him once -- I don't know
2 if it's once -- once every other week. It might have
3 been a couple times a month.

4 Q. And were all of those sessions -- did
5 your son attend with you?

6 A. Yes.

7 Q. So you and your wife and your son
8 attended?

9 A. Yes.

10 Q. Were you seeing Dr. Bertner a couple
11 times a month for a couple years?

12 A. I would say off and on. I can't remember
13 when we started seeing him, but it was off and on.

14 Q. Okay. Other than Dr. Bertner, you said
15 that your wife also treated with another doctor
16 through United Healthcare?

17 A. Yes.

18 Q. Do you know the name of that doctor?

19 A. I think the name was Dr. Tarpey or
20 Tarpey, something like that.

21 Q. And you never attended any of those
22 sessions with Dr. Tarpey?

23 A. No.

24 Q. Other than Dr. Tarpey or Dr. Bertner, did

1 your wife have any other mental health treatment
2 since 2017?

3 MR. SCHLEIN: Sorry. Are you asking --
4 you broke up on me a little bit. Did you say medical
5 or mental?

6 MR. BERNHART: Mental, mental health
7 treatment.

8 A. Trying to think. Not that I know of.

9 Q. Did you have any other mental health
10 treatment since March -- since 2017?

11 A. No. Oh, wait. I'm sorry. Did I? No, I
12 haven't, no.

13 Q. Okay. Did you yourself see Dr. Tarpey?

14 A. I saw -- I think I did see her one time,
15 yes, about Isaiah, about our son.

16 Q. About your son.

17 A. Yeah.

18 Q. Do you know whether why Dr. Tarpey ever
19 diagnosed Melissa with any mental health condition?

20 A. I don't know. I'm not sure.

21 Q. Do you know -- do you know whether
22 Melissa received mental health treatment at any point
23 in your marriage prior to 2017?

24 A. I'm not sure. I don't know for sure. I

1 don't think so. I don't know.

2 Q. Were you guys seeing -- were you guys
3 seeing Dr. Bertner with your son prior to everything
4 that happened with your wife at work?

5 A. You said were we seeing him -- I'm sorry.
6 Say that again.

7 Q. Prior -- yeah. Were you seeing him for
8 issues involving your son prior to March of 2017?

9 A. It was just about our son so.

10 Q. Okay. So before and after everything
11 that happened at work?

12 A. Just -- just before -- well, I would have
13 to look -- I would have to write down the dates and
14 all, but it was mainly about our son, you know,
15 before he ended up leaving.

16 Q. Have you and your wife ever been to
17 marriage counseling?

18 A. Yes.

19 Q. When was the last time you went to
20 marriage counseling?

21 A. I am trying to think. '8, 2010. I know
22 it was after 2010 but before all this stuff happened,
23 before 2017, so I can't remember the exact year it
24 was or time frame so.

1 Q. What --

2 A. Sometime --

3 Q. Your son graduated --

4 A. I'm sorry. I was saying --

5 Q. Your son --

6 A. -- so --

7 Q. Your son graduated from high school in
8 2018, correct?

9 A. Correct.

10 Q. So he would have -- you said he moved out
11 to your -- to live with your dad in the year prior to
12 graduating, correct?

13 A. Correct.

14 Q. So that would have been in 2018 as well?

15 A. When he moved?

16 Q. Yes.

17 A. He was with my dad for his last year of
18 school, so he graduated 20 -- 2018 because he's --
19 let's see, he's -- let me write -- I have to write it
20 down. Hold on a second.

21 Okay. I'm sorry. Ask me the question
22 again.

23 Q. Sure. Your son graduated high school in
24 2018, correct?

1 A. Actually it would have been 2019 when he
2 graduated because he's -- he was born in 2000, so he
3 graduated at 18 years old so. I don't know. I'm
4 getting my dates all mixed up.

5 Q. Are you looking at your phone right now?

6 A. No. I am writing down what -- what
7 time -- like, see, he was born in 2000 so 2020 -- I
8 am just trying to figure out exactly when so I can
9 give you accurate -- accurate dates. I can't
10 remember. I have to -- I have to look exactly when.
11 I know you are trying to pinpoint dates, but it was
12 2018-2019 when he graduated so.

13 Q. Okay.

14 A. I would have to look back when we went to
15 his graduation so, yeah.

16 Q. Okay. And he lived with your dad the
17 last year of high school?

18 A. Correct. Right.

19 Q. And he lived with you and Melissa his
20 sophomore and junior years in high school?

21 A. Everything before that, everything.

22 Q. Everything before that. And it was his
23 sophomore and junior years that you had the most
24 difficulty with him?

1 A. Yes, I would say that, yes.

2 Q. Okay. Sir, are you at your house right
3 now?

4 A. Yes.

5 Q. Is anyone there with you?

6 A. Yes.

7 Q. Melissa is there. I see her waving.

8 A. Yes. She's in another room, yes.

9 Q. She is in another room?

10 A. Yes.

11 Q. Has she texted you during this
12 deposition?

13 A. I don't have my phone on me so.

14 Q. Okay. Is your phone not in the room with
15 you?

16 A. No, huh-uh.

17 Q. Okay. I know I asked this already, and
18 you were looking for a date.

19 A. Yeah.

20 Q. You and your wife -- you and your wife
21 attended marriage counseling. You believe it was
22 sometime between 2010 and 2017?

23 A. Correct, yes. Possibly, yes.

24 Q. It was -- it was before everything

1 happened at work with her?

2 A. Yes.

3 Q. And why did you attend marriage
4 counseling?

5 A. It all goes back to just with our son,
6 just, you know, disagreements on, you know -- on, you
7 know, what -- what she might have thought was wrong
8 and I might have thought was not so wrong and vice
9 versa.

10 Q. I know I asked you if your wife was
11 texting you, and you told me you didn't have the
12 phone in the room with you. Has she been
13 communicating with you on the computer during this
14 deposition?

15 A. No, no. I don't even know how to do that
16 because I don't want to lose my screen. I'm tech
17 savvy, but I don't know how to do that while I'm, you
18 know, talking on Zoom so.

19 Q. Okay. Fair to say your son was a great
20 source of contention in your marriage?

21 A. No, I wouldn't say that, no. I wouldn't
22 say a great source of contention, no.

23 Q. But did cause problems, enough that you
24 attended marriage counseling with your wife?

1 A. Yes.

2 Q. Who was the marriage counselor?

3 A. I can't remember. I think we went to --
4 I can't remember the names. It was more important
5 about our son, just getting him -- just getting him
6 together, just getting him right.

7 Q. Did he attend the marriage counseling
8 with you guys?

9 A. No, huh-uh.

10 Q. How often did you attend counseling?

11 A. Marriage counseling was I think we went a
12 few times but not -- it wasn't like an ongoing
13 long-term -- I don't even know how people do marriage
14 counseling, like once -- I don't know what people do.
15 We only went a few times because our marriage -- you
16 know, I think our marriage is better than most
17 actually for the most part so.

18 Q. Do you consider you and your wife
19 religious?

20 A. Yes, yes, definitely.

21 Q. You guys go to church?

22 A. We don't attend a church, so we don't --
23 no. We don't attend a church I should say regularly
24 so, but we have attended a consistent church in the

1 past so.

2 Q. And when was that? When were you
3 consistently attending church?

4 A. I would say it's been a long time. Going
5 back a while so. Let's see. Let's see, 2019. Let
6 me think here. 2019. I want to say it's before
7 COVID so what was COVID 2020? So I would say
8 probably 2019 and before that.

9 Q. So prior to moving?

10 A. Yes, yeah.

11 Q. What church did you attend?

12 A. Corinthian Missionary Baptist Church.

13 Q. Did you and your wife have a close
14 relationship with the pastor?

15 A. My wife knows him better than I do. So I
16 would say she has a close relationship with him. I
17 can't say I do so.

18 Q. Do you know whether she ever went to him
19 for support for the things she was dealing with at
20 work?

21 A. I'm not sure that she did.

22 Q. Did you ever go with her to meet with
23 him?

24 A. No, huh-uh.

1 Q. You know, we touched on it just a bit
2 earlier, you said that you know after -- after the
3 events in March of 2017, you noticed some changes
4 with your wife, that, you know, she had a hard time
5 focusing. Are there any other changes that you
6 can -- you can tell me about that occurred with your
7 wife, you know, after the events of March of 2017?

8 A. Yeah, there are a lot of things actually.
9 Just, you know, she was wanting to, you know, sleep a
10 lot. You know, she had never gotten -- it's weird.
11 She had never gotten gout before. And now she's
12 just -- different medical issues, you know, all of a
13 sudden started to, you know, sort of happen, you
14 know, things like I said with her -- things like that
15 so just -- like I said, just --

16 Q. So you --

17 A. Go ahead.

18 Q. You mentioned gout. Is there any other
19 medical condition that is -- that she suffered, you
20 know, since March of 2017 other than gout and her
21 shoulder injury?

22 A. Well, I mean, it's a medical issue, just
23 I think it's called insomnia. There were times she
24 couldn't sleep at all and then there were times she

1 just wanted to stay in the bed asleep so depression.

2 You know, how many --

3 Q. Has she ever --

4 A. Well, let me finish what I was going to
5 say. I don't know if there is a medical term for
6 being like consumed with what's going on, you know,
7 maybe anxiety but not in a way that most people
8 experience anxiety. And I see it a lot with being a
9 paramedic. I would say she was very anxious of -- as
10 far as what was going on, just being consumed with it
11 all so.

12 Q. Did she ever receive a medical diagnosis
13 of anxiety?

14 A. I don't know if her doctors, you know,
15 labeled it as that. I don't know. But I could see
16 it but that's just me so.

17 Q. Did she ever receive a medical diagnosis
18 of depression?

19 A. I can't -- I can't say for sure. I don't
20 know. Same with that I'm not sure.

21 Q. Did she ever receive a medical diagnosis
22 of insomnia?

23 A. I don't think so, but I know that she was
24 taking melatonin to help her sleep and so that's

1 something I don't -- I think you can get that over
2 the counter. I think so.

3 Q. So other than over-the-counter melatonin,
4 do you know whether she was prescribed any
5 medications by Dr. Tarpey?

6 A. I don't know. I don't know if there is
7 any.

8 Q. Do you know if she -- if she's taken any
9 medications for mental health -- for mental health
10 care since March of 2017?

11 A. I don't think so. I don't think she has.
12 I see a lot of her meds, but I don't think that she
13 has.

14 Q. Okay. Do you think she would talk to you
15 about that or that you would know if she was taking
16 medicine to treat for anxiety or depression?

17 A. Yeah, I think I would know, yeah. I
18 believe I would know that. We sleep in the same
19 bedroom so.

20 Q. I know that your wife is back to work and
21 this is kind of in the past. Have those issues, you
22 know, relieved? Is she better now?

23 A. I believe she's better mentally but, you
24 know, again, I know this as a paramedic, but the

1 damage is already done. One other thing, blood
2 pressure, hypertension is another issue that's gotten
3 worse so. But, you know, she's better mentally, I
4 believe, now but, you know, so. That --

5 Q. Has she been diagnosed with high blood
6 pressure?

7 A. Yes.

8 Q. Was that prior to March of 2017?

9 A. I believe that -- I believe -- I'm sorry.
10 Ask me that question again one more time.

11 Q. Sure. Has she had high blood pressure
12 since before 2017?

13 A. Okay. Yeah, she has had high blood
14 pressure for a while, but then when doctors
15 prescribed an additional medication just because it
16 needs to be controlled in a -- whether it's some
17 other part of your body or something so she -- she's
18 on additional -- from what I understand additional
19 high blood pressure medicine now so.

20 Q. Do you and your wife -- do you and your
21 wife share the same family doctor?

22 A. Yes.

23 Q. Who is your family doctor?

24 A. Dr. Jeffrey Meiring.

1 Q. Any way you can spell the last name?

2 A. Yeah. M as in Mary E-I-R-I-N-G.

3 Q. And you believe that Dr. Meiring has
4 increased or added an additional blood pressure
5 medication to her regimen?

6 A. This would be one of her other doctors
7 in -- I can't remember the doctor's name but not
8 Dr. Meiring so one of her other doctors.

9 Q. Are you aware of -- other than the blood
10 pressure medication, are you aware of any other
11 prescribed medications for any condition, whether
12 it's mental health or physical, that your wife has
13 been prescribed since March of 2017?

14 A. You said other than what again?

15 Q. Other than the blood pressure medication.

16 A. The gout medication that I spoke of
17 earlier.

18 Q. Okay. Anything else?

19 A. Let's see, she's on -- she takes -- well,
20 you know, I guess I don't feel comfortable telling
21 you her medical, you know, information. I would
22 rather her tell you that, so I don't know if you can
23 ask me in a more general way so. I would rather her
24 tell you her medical.

1 Q. Well, we've talked about gout. We've
2 talked about blood pressure.

3 A. Right.

4 Q. I know she had a shoulder injury --

5 A. Right.

6 Q. -- in 2017. Are there any other medical
7 conditions that she's suffered since March of 2017
8 that you are aware of?

9 A. There are. I just -- like I say, I don't
10 know if I'm -- I don't know if Sam can jump in.

11 THE WITNESS: Am I okay to say her --

12 MR. SCHLEIN: Yeah. You got -- that's a
13 reasonable question for Mr. Bernhart.

14 A. Okay. Well, she's on dialysis now so
15 there is meds that have to go along with that, a lot
16 of meds and different things so, you know.

17 Q. So dialysis. When did that begin?

18 A. That began I think -- let's see, moved
19 here 2020. I would say -- I believe it was last
20 year, last year.

21 Q. I imagine that's a cause of stress on --
22 on her?

23 A. Actually it has been making her feel
24 better so. A little nervous at first but it's making

1 her feel better so.

2 Q. Do you know what the underlying medical
3 condition was behind needing dialysis?

4 A. Yeah. That's from, my understanding, you
5 know, with -- that's, you know, because of -- well,
6 one of the reasons because of that high blood
7 pressure, you know, when your kidneys are dealing
8 with that stressor, then if things aren't corrected
9 in your body, then that can be one of the -- one of
10 the down the road type of issues that you may have
11 so.

12 Q. Okay. Has your wife suffered any other
13 medical conditions that you haven't already told me
14 about since March of 2017?

15 A. Gout, the high blood pressure, the
16 dialysis. No, that's all. That's all.

17 Q. When your wife goes to her doctor, do you
18 attend with her?

19 A. When she goes to her doctors in
20 Cleveland, I do, yes.

21 Q. What doctors does she have in Cleveland?

22 A. Yeah, I can't remember those doctors'
23 names. She has two or three different doctors in
24 Cleveland.

1 Q. Is that who she treats for the blood
2 pressure and dialysis?

3 A. Yes, yes, yes.

4 Q. And was she seeing those doctors prior to
5 March of 2017?

6 A. Yes, yes.

7 Q. During the course of the administrative
8 investigation of your wife, are you aware or do you
9 know that the investigator spoke with more than 20
10 police officers about your wife?

11 MR. SCHLEIN: Objection. This isn't
12 relevant to damages.

13 MR. BERNHART: Well, we believe it goes
14 to stressors; and, you know, stressors would be a
15 direct causation of damages. We think it is
16 relevant.

17 MR. SCHLEIN: I mean, I will let him
18 answer yes or no but, you know, anything beyond that
19 I think is beyond the scope.

20 MR. BERNHART: I am not asking anything
21 beyond that right now.

22 MR. SCHLEIN: You can answer yes or no to
23 that.

24 A. Okay. Can you ask again, please?

1 Q. Sure. Are you aware during the course of
2 the administrative investigation that the
3 investigators spoke with more than 20 -- more than 20
4 other Columbus Police officers?

5 A. No.

6 Q. Did your wife discuss with you what was
7 going on during the investigation?

8 A. Yes.

9 Q. Keeping you, you know, in the loop on?

10 A. I wouldn't say keeping me in the loop.
11 She would talk a little bit about it but, you know,
12 not every day discussion on here is the latest
13 update, nothing like that so, but I was aware.

14 Q. Was the -- was the investigation of your
15 wife stressful on her?

16 A. Yes.

17 Q. And when the Chief of Police Kim Jacobs,
18 when she recommended your wife be terminated, I
19 imagine that was stressful on her; is that fair?

20 A. Yes.

21 Q. Are you aware that your wife published a
22 book alleging systemic racism within the Columbus
23 Division of Police?

24 A. Yes.

1 Q. Did you have any role in writing the
2 book?

3 MR. SCHLEIN: Objection. That's totally
4 irrelevant to damages. I am going to instruct him
5 not to answer that.

6 Q. Sir, the book that your wife published,
7 she published it in September of 2020; is that
8 accurate to the best of your knowledge?

9 A. Yes.

10 Q. Did you observe her writing the book at
11 home?

12 A. I was -- I was home; but, you know, I was
13 doing other things so. When you say observe, like
14 what do you mean exactly?

15 Q. Sure. She wrote a book.

16 A. Right.

17 Q. It's a pretty lengthy book. Published in
18 September of 2020. Did you observe her writing this
19 book while she was off duty at home?

20 A. I guess the best way I can answer that I
21 was here, but I'm doing what I am doing at home, you
22 know. I'm cleaning, fixing things so not -- I knew
23 she was doing something; but, no, I wasn't listening
24 word by word or, you know, I just wasn't part of

1 the -- I just, you know, so.

2 Q. I'm looking behind you, and I am assuming
3 that you are in some type of home office; is that
4 fair?

5 A. Yes.

6 Q. Is that a home office that you share with
7 your wife?

8 A. Yes.

9 Q. So when she needs to be in the office,
10 the home office, you know, she uses it and the same
11 with you; is that fair?

12 A. Yes.

13 Q. Okay. Did she write the book primarily
14 in that home office?

15 A. You know, again, I'm not sure. You
16 know -- you know, she -- she may have been here at
17 times. You know, Melissa is very busy, so she does
18 stuff anywhere. It could be the bedroom, the family
19 room; so, you know, I don't know where exactly that
20 she was writing -- doing the -- but I knew she was.
21 I just didn't -- I don't know where exactly.

22 Q. Does she have a laptop?

23 A. Yes.

24 Q. Did she write it on her laptop?

1 A. I couldn't tell you. I'm not trying to
2 be difficult. I don't know how she did it.

3 Q. Sure. Maybe the better question is did
4 you ever observe her or know that she was, you know,
5 in a separate room writing the book on her laptop?

6 A. I knew she was writing it, yes.

7 Q. Okay. Did she spend a lot of time
8 writing it?

9 A. Yes. Yeah.

10 Q. I imagine that it was a lot of time and
11 effort; would you agree?

12 A. Yes.

13 Q. Do you know when she started writing the
14 book?

15 A. No, I am not sure when it all began. I
16 knew she was, but I'm not sure when -- like the first
17 day of writing it though.

18 Q. Do you know if she started writing it
19 after the events in March of 2017 or before?

20 A. It definitely wasn't before so, you know.

21 Q. Sometime after?

22 A. Yeah, sometime after, right.

23 Q. And while she was writing the book, were
24 you aware of, you know, the subject that she was --

1 generally what she was writing on?

2 A. Just in general. Until I read it, I
3 didn't know what -- what exactly she was going to put
4 in there.

5 Q. You know, did your wife -- did her
6 publishing the book have any effect or impact on your
7 marriage?

8 A. No.

9 Q. Are you aware that your wife has spoken
10 at community events discussing racism within the
11 Columbus Division of Police?

12 A. Yes.

13 Q. Have you ever attended any of those
14 events with her?

15 A. Yes.

16 Q. Would you say you -- you regularly attend
17 those events with her?

18 A. When you say regularly, like what do you
19 mean? Like all of them or what do you --

20 Q. Yes. Have you attended all of the
21 events, the community events, that your wife has
22 spoken at detailing, you know, her belief, perception
23 of racism -- racism within the Division of Police?

24 A. No, not all.

1 Q. Most of them?

2 A. Somewhere in the middle, not even most
3 but, you know, she's done a lot of events, a whole
4 bunch of events so.

5 Q. Right.

6 A. So not all.

7 Q. You are aware that your wife has been --
8 has continued to be an outspoken critic of the
9 Columbus Division of Police over the past few years;
10 is that fair?

11 A. Yeah.

12 Q. And you talked earlier about, you know,
13 when you -- when Melissa, you know, is involved in
14 something, that she's, you know, almost overly
15 consumed with it. You know, is that -- you know, in
16 her dealing and her perception of racism within the
17 Columbus Division of Police and her outspokenness on
18 that, would that fall within that category?

19 A. I'm sorry. That's a long question.

20 Q. Sure. I will try to break it down.

21 A. Okay.

22 Q. Your wife is a critic of the Columbus
23 Division of Police, specifically with respect to her
24 perceived, you know, racism within the Division of

1 Police, correct?

2 A. Correct, yes.

3 Q. Is that -- that something that greatly
4 consumes, you know, her interest and attention?

5 A. Not -- not as much as it used to but I
6 would say then, yes, definitely, definitely because
7 she's in the middle of a fight so, you know.

8 Q. And when you say she used to, are you
9 talking about just a couple years ago?

10 A. I am saying 2017 when things started
11 getting bad, that's when it consumed her and, you
12 know, took her main attention, yes.

13 Q. And she was an outspoken critic, you
14 know, particularly at that time, correct?

15 A. I think it was shortly after that maybe.

16 Q. 2018, 2019?

17 A. Right, right, yes, yes.

18 Q. That's when she was speaking at a lot of
19 events, correct?

20 A. Correct.

21 Q. Okay. Are you aware that your wife has
22 filed additional EEO claims against the Columbus --
23 or against the City of Columbus and its officials?

24 A. Yes.

1 Q. Okay. Your wife was on injury leave as
2 she injured her shoulder in 2017, correct?

3 A. Yes.

4 Q. Do you know how long she was out of work?

5 A. I can't remember exactly. You know, I
6 can't remember if it was like six months or, you
7 know. It was a good amount of time, so I just can't
8 remember how long.

9 Q. That time she was off work, was she
10 primarily at home recovering from her injury?

11 A. Yes. Yeah.

12 Q. Did you say yes?

13 A. Yes.

14 Q. She was also attending law school at the
15 time, correct?

16 A. Yes.

17 MR. SCHLEIN: Not wanting to slow your
18 roll, Paul, we have been going for a little bit
19 longer than an hour and a half. Do you have a lot
20 more to go or is there going to be a breaking point
21 to do a restroom break? It could be like 3 minutes.

22 MR. BERNHART: I don't think I have more
23 than 20 or 30 minutes left but why don't we take a
24 5-minute break.

1 MR. SCHLEIN: Okay. So we'll come back
2 at 11:40?

3 MR. BERNHART: Yep.

4 MR. SCHLEIN: Thanks.

5 (Recess taken.)

6 Q. Can we go back on the record.

7 Mr. McFadden, you mentioned that your
8 wife was attending law school, at least she was
9 attending classes while she was out on sick leave.
10 When did -- when did she start law school? Do you
11 know the year?

12 A. It was a long time. I'm not sure of the
13 year. Melissa had been going to school a long time
14 so.

15 Q. Was she attending Capital Law School?

16 A. Yes.

17 Q. The night program?

18 A. Yes.

19 Q. Part-time?

20 A. I'm not sure how -- how they do it, so I
21 don't know full-time, part-time. I don't understand
22 all that.

23 Q. Sure. She started -- she started
24 attending law school prior to March of 2017, correct?

1 A. Yes.

2 Q. Okay. She's graduated law school,
3 correct?

4 A. Yes.

5 Q. And she's taken the Bar Exam a few times?

6 A. Yes.

7 Q. And not passed yet?

8 A. She's passed.

9 Q. Oh, she has passed?

10 A. Yes.

11 Q. When did she pass the Bar Exam?

12 A. I think it was just here recently, I
13 believe.

14 Q. Okay. But she took it a number of times
15 and did not pass, correct?

16 A. Yes.

17 Q. Did she spend a lot of time studying for
18 the Bar Exam?

19 A. Yes.

20 Q. Mostly at home?

21 A. Yes.

22 Q. And I took the Bar Exam myself, and I
23 understand it requires a lot of studying. I imagine,
24 you know, that she spent quite a bit of time studying

1 over the years, over the last couple of years for the
2 Bar?

3 A. Yes.

4 Q. When these allegations surfaced against
5 your wife, the City or the Division of Police
6 temporarily reassigned her to the property room,
7 right?

8 A. Yes.

9 Q. And she wasn't happy with that, was she?

10 A. No.

11 Q. Caused a lot of stress on her, didn't it?

12 A. Yes.

13 Q. So she -- these allegations surface. I
14 imagine -- did she tell you that allegations surfaced
15 against her at that time?

16 A. Yes.

17 Q. Okay. I assume she was upset about that?

18 A. Yes.

19 Q. Okay. So she was upset about the
20 allegations. She is not happy about being
21 transferred to the property room. You already
22 testified that she was stressed over the
23 investigation that was pending over her, correct?

24 A. Yes.

1 Q. She was stressed over the fact that the
2 Chief of Police was recommending her termination,
3 correct?

4 A. Yes.

5 Q. And then she had to go before the Public
6 Safety Director, and I imagine that was a source of
7 stress, correct?

8 A. Yes. Yeah.

9 Q. Fear of losing her job?

10 A. Yes.

11 Q. And you would agree, you know, at the
12 same time frame, you know, from what it sounds like,
13 she was dealing with high blood pressure, dialysis,
14 correct?

15 A. The high blood pressure. Dialysis didn't
16 come until later.

17 Q. Dealing with high blood pressure,
18 correct?

19 A. Correct.

20 Q. And she was treating for high blood
21 pressure at the time, correct?

22 A. Yes.

23 Q. And this sounds like the same time frame
24 that, you know, you were dealing with some

1 difficulties with your son, correct?

2 A. The son, if you remember, that was --
3 that was his -- those are years prior so those are
4 going back so that wasn't in the same time.

5 Q. 2018 is when, you know, he moved out to
6 live with your dad, correct?

7 A. Let's see. See, that was like I was
8 telling you before, I am going to have to write down
9 the dates exactly when he graduated and look it up.
10 You know, I knew we flew out there to see him
11 graduate; but, you know, all I know for sure -- for
12 certain is that that was a whole separate time frame.
13 It was like the issues that we had with him, things
14 that he was doing, and then came all this, so it
15 was -- it was separate times.

16 Q. Okay. She's in law school at this time,
17 correct?

18 A. Yes.

19 Q. Writing a book at this time, correct?

20 A. The book didn't come until I think you
21 even said 2020 so.

22 Q. It sounds like a lot. Would you agree
23 with me that it would be difficult to -- you know, to
24 distinguish, you know, how much, you know, one thing

1 caused stress over another? Would you agree with
2 that? They are all --

3 A. I'm sorry. Say that again.

4 Q. Would you agree with me it would be
5 impossible to separate out each of these individual
6 stressors, correct?

7 A. No, no. I mean, we deal with stress and
8 then, you know, you -- just you have stressors and
9 then you deal with it and then another stressor is
10 coming and you deal with it. So for us it's been
11 easy to -- for us actually it's been easy to separate
12 it all. Now, when they do all happen at once, yeah,
13 that makes life more difficult but, no, I believe
14 it's easy to separate, you know, the stressful events
15 that you are going through at the time.

16 Q. But we are talking about, you know, the
17 same general thing here. We are talking about
18 allegations coming out against her; we are talking
19 about reassignment to the property room, right?

20 A. Right, yes.

21 Q. Talking about, you know, an internal
22 administrative investigation by IAB, correct?

23 A. Correct. Right.

24 Q. Talking about the Chief of Police

1 recommending her termination and her facing the
2 Director of Public Safety, you know, at a hearing,
3 you know, on whether she'll keep her job. All of
4 that was pretty stressful, correct?

5 A. Yes, yes, that's all stressful and that's
6 all at the same time, yes.

7 Q. Are you aware -- you testified that you
8 are aware that your wife has filed additional EEO
9 complaints against the City, correct?

10 A. Yes.

11 Q. Are you aware that other officers have
12 filed EEO claims against your wife?

13 A. Yes.

14 Q. You are aware that they are threatening
15 to sue her and the City of Columbus for creating a
16 hostile work environment?

17 A. Yes.

18 Q. Has she discussed those allegations with
19 you?

20 A. Just a little bit, yes.

21 Q. Have the two of you discussed the
22 financial impact that, you know, that lawsuit could
23 have on your family?

24 A. Yes.

1 Q. All right. I imagine that's a source of
2 stress, correct?

3 A. It's -- I mean, if you have put stress on
4 a level, it's -- when you know something is
5 fraudulent or not accurate, then it's not as much
6 stress as it could be so. With that -- with that
7 piece right there, that's not -- it's stressful but
8 it's not like consumes us night and day with other --
9 with other stuff against us so.

10 Q. Do you know where things stand with
11 respect to that EEO complaint?

12 MR. SCHLEIN: I'm sorry. Can you
13 describe which EEO complaint you are discussing?

14 Q. The one that other officers, I believe
15 it's 12 other officers, have filed against your wife
16 and the City of Columbus.

17 A. And you asked --

18 MR. SCHLEIN: I am going to object to the
19 characterization of that as being filed because
20 throughout this there has never been any indication
21 other than the couple of media reports that anything
22 has actually ever been filed.

23 Q. Are you aware, sir, that an EEOC
24 complaint has been filed against your wife?

1 A. Yes.

2 Q. I want to clarify, your wife attended
3 Capital Law School. It was actually the day program
4 she was attending, correct?

5 A. That's like I said before, I don't know.
6 You know, I don't know enough about school to know
7 day, night, half day, adult. I don't know all that,
8 so I just know she was in Capital Law School.

9 Q. And has she discussed these specific
10 allegations that -- at least that she's aware of that
11 these other officers are making against her?

12 A. Yes.

13 Q. And some of those officers are above her
14 in the chain of command, aren't they?

15 A. Yes.

16 Q. Your wife is back to work full-time,
17 correct?

18 A. Yes.

19 Q. And she's a Lieutenant with the Division
20 of Police, correct?

21 A. Yes.

22 Q. Are you aware of her having to take time
23 off work say in the last -- in the last six months to
24 deal with emotional -- her emotional state?

1 A. You said in the last six months?

2 Q. Yeah.

3 A. I'm thinking last six months that's going
4 back to -- we are in May right now, since December.

5 Q. This year, talk about this year, 2022.
6 Has your wife had to take time off work to deal with
7 emotional distress?

8 A. No, not this year, no.

9 Q. Is she still in therapy?

10 A. No, huh-uh.

11 MR. BERNHART: Sam, could we take a
12 2-minute break? I may be about done. Let me flip
13 through my notes. But if we could go off the record
14 for a minute.

15 MR. SCHLEIN: Absolutely.

16 (Discussion off the record.)

17 Q. Can we go back on the record.

18 Mr. McFadden, you've been identified as a
19 witness who will testify regarding your wife's
20 emotional distress. Is there anything, you know,
21 about her emotional distress that you are going to
22 testify to at trial that we haven't already talked
23 about today?

24 A. Yes.

1 Q. Okay. And what is that?

2 A. To me just a normal Melissa for all those
3 years that we've talked about being married and all
4 those things and seeing her at the time when this
5 happened. Those other things would be just all those
6 emotions of being mad and angry, humiliated,
7 embarrassed, and we had media calling our house so
8 that's a lot -- those are the things that we haven't
9 talked about but I just wanted to at least put out
10 there that it was -- it was a tough time. You know,
11 so that was just a lot to see her going through that
12 and, you know, a lot as her husband knowing there is
13 nothing I can do about it.

14 So it was just a tough time, you know,
15 with all those different things and different
16 feelings, you know, and then to unpack her health, it
17 was -- it was just terrible so.

18 Q. And we are talking -- so I am clear, we
19 are talking about, you know, the investigation into
20 these allegations against your wife?

21 A. Right, right, right.

22 Q. And the threat of losing her job?

23 A. Right, exactly.

24 Q. And the disciplinary charges that were

1 brought against your wife?

2 A. Yes.

3 Q. And having to go before the Director of
4 Public Safety to fight for her job?

5 A. Yes.

6 Q. And when you say the media was contacting
7 your house, was that over the book that she
8 published?

9 A. No.

10 Q. What was the media contacting your house
11 about?

12 A. About being relieved of her job and
13 reassigned to the property room.

14 Q. And the investigation itself?

15 A. And the investigation, yes.

16 Q. Okay. Did you ever speak with the media?

17 A. Briefly I did. It was Channel 4 that I
18 talked to.

19 Q. Were you ever quoted in any news
20 articles?

21 A. No. I didn't speak to them about what we
22 are speaking of, no. I just told them I can't talk
23 about anything so that was my speaking with them so.

24 Q. Is that the only thing you told Channel

1 4?

2 A. I told them just I couldn't -- I said
3 "Come on. You guys know I can't talk about this" and
4 we just -- that was it so.

5 Q. So did you speak with any other media
6 members?

7 A. No; no, I did not.

8 Q. Now, during this time frame, you know, we
9 have already -- I don't want to get back into it but
10 this is the time frame in which your wife was
11 speaking at community events. And we are talking
12 about 2017, '18. She was speaking about -- speaking
13 at community events about the Columbus Division of
14 Police, right?

15 A. I'm sorry. Ask that again, please.

16 Q. Sure. It was during this same time frame
17 that your wife was speaking, you know, at community
18 events criticizing the Columbus Division of Police,
19 correct?

20 A. No. I think the 2017 March time when
21 everything began, and then it was after that, you
22 know, I believe after the Safety Director dismissed
23 everything is when she started to speak. I believe.
24 I would have to look back but that's my thinking

1 right now.

2 Q. You understand she received a lot of
3 media attention over her outspokenness against the
4 Columbus Division of Police, correct?

5 A. Correct. Yes.

6 Q. And she received a lot of -- a lot of
7 media attention from the book that she wrote about
8 the Columbus Division of Police, correct?

9 A. Yes.

10 Q. And, in fact, she held a press conference
11 on the front steps of the police department. Do you
12 recall that?

13 A. She didn't hold that. That was from
14 whatever group. I knew a little bit about that but,
15 yeah, she didn't hold that but she was there.

16 Q. Were you there?

17 A. No, no.

18 Q. You are aware that she spoke on the front
19 steps of the police department when her book came
20 out, correct?

21 A. Yes.

22 Q. And you are aware that the media covered
23 that, correct?

24 A. Yes.

1 Q. And she was -- she was the speaker at it,
2 correct?

3 A. Again, since I wasn't there, I just know
4 about it. I know just what I told you before -- a
5 minute ago.

6 Q. Your wife gave media interviews, didn't
7 she?

8 A. Yes.

9 Q. Okay. Do you know an individual named
10 Jody Ann?

11 A. I'm not sure -- I know a Jody. I'm not
12 sure. I would have to see her picture if -- or maybe
13 you could describe her.

14 Q. Do you know her -- do you know her to be
15 a member of the media?

16 A. Are you talking about Lu Ann Stoia or is
17 that who you are talking about?

18 Q. No. I am talking about an individual
19 named Jody Ann.

20 A. Okay. I must not know Jody Ann. I was
21 thinking --

22 Q. Are you familiar with an interview that
23 your wife gave to a Jody -- an individual named Jody
24 Ann?

1 A. Jody Ann, no, no.

2 Q. Okay. You mentioned Reann -- Lu Ann
3 Stoia. Are you aware of an interview that your wife
4 gave to Lu Ann Stoia?

5 A. Yes.

6 Q. And in these interviews generally she is
7 criticizing the Columbus Division of Police with this
8 ongoing -- you know, ongoing perception of racism, a
9 systemic racism within the Columbus Division of
10 Police, correct?

11 A. Yes.

12 Q. Yeah. And there's been a lot of media
13 reports covering that, correct?

14 A. Yes.

15 Q. And there's been a lot of online social
16 media covering that, correct?

17 A. Yes.

18 Q. And your wife has given Facebook
19 interviews, correct?

20 A. Yes.

21 MR. BERNHART: Okay. I've got nothing
22 further.

23 MR. SCHLEIN: I have just a little bit to
24 make sure that I understand things correctly.

1 DIRECT EXAMINATION

2 By Mr. Schlein:

3 Q. So throughout this Mr. Bernhart was
4 asking you questions, you know, related to what you
5 had testified to experiencing with Melissa, and he
6 used the term, you know, everything including the
7 investigation, termination, et cetera, and I want to
8 make sure when you are saying that you agreed with
9 Mr. Bernhart when you said, yes, all of that, that
10 you also were including the reassignment to the
11 property room in that, you know, group of events?

12 A. Correct, yes.

13 Q. All right. So any time where
14 Mr. Bernhart was asking you -- saying, you know,
15 these things were impactful and listed off
16 specifically the investigation, termination
17 recommendation, Safety Director's hearing, you
18 include the -- that to be -- you know, thought to
19 include the property room reassignment as well?

20 A. Yes. Correct.

21 Q. I want to go a little bit making sure I'm
22 understanding the timeline of -- of when your son
23 moved to Arizona. He graduated May 2019; does that
24 sound right?

1 A. Let me see. We keep going over this
2 graduation. Let me -- let's see, he was -- 2019. I
3 believe it was 2019. I think I said 2018 but let's
4 see. He turns -- he turned 18 and then turned 19.
5 Oh, wait. He was born November -- figure this out
6 real quick. So he is born November 18, okay,
7 November of 2000. Okay. So then he turned 18 that
8 year, and he graduated. I don't know why I can't
9 figure this out. Dang. I'm guessing it was -- not
10 guessing. I believe it was 2019 when he graduated.

11 Q. And he graduated in the spring with
12 everyone else at the end of the traditional academic
13 year?

14 A. Right. Correct.

15 Q. And --

16 A. He was older than -- his birthday came in
17 November so he was always older than the rest of the
18 kids so I believe then it was 2019 is when he
19 graduated.

20 Q. That's like my brother. He was always a
21 year older than everyone else that graduated end of
22 May.

23 A. Right. Right.

24 Q. And then so he moved during that academic

1 year. Does November of 2018 sound correct when your
2 son moved out to the Phoenix area?

3 A. Right, because I remember it was -- I
4 can't remember if it was before or after
5 Thanksgiving, and everybody knows when Thanksgiving
6 is. So it had been -- of course, because he
7 graduated that following year so and plus it was his
8 senior year. So, yeah, it would have been November
9 and then graduated 2019, yeah.

10 Q. Okay. Just wanted to make sure we had
11 that timeline right. And then just a couple more
12 things. You said that Melissa is better mentally
13 now. Did that take a process to get her better
14 mentally from where she was in March 2017 to where
15 you are saying she's better now?

16 A. Yes.

17 Q. So it didn't -- it wasn't just all at
18 once where she was just one day woke up "I'm better
19 now"?

20 A. Correct. Yes.

21 Q. And you had also mentioned to
22 Mr. Bernhart that -- that you're more intimate now
23 than any time previous in your marriage. Did I hear
24 your testimony right?

1 A. Yes.

2 Q. Was there a period between 20 --
3 March 2017 and when your intimacy came to the point
4 where it was more than ever where -- where it was
5 less than tra -- you know, what traditionally was in
6 your marriage?

7 A. Can you ask me that in a different way?
8 Like break it up a little bit what you are asking?

9 Q. Sure. So just -- just I am going to ask
10 some things I have asked a second ago just to make it
11 a little bit clearer. You said at current your level
12 of intimacy is at the highest point in your marriage.
13 That's what you told Mr. Bernhart, right?

14 A. Yes.

15 Q. And -- and March 2017 is when you learned
16 that your wife was reassigned to the property room.

17 A. Right. Yes.

18 Q. Was your intimacy level the same in
19 March, April, May, June 2017 as it was in January,
20 February, the beginning of March 2017?

21 A. I'm sorry, Sam. I'm -- I think -- well,
22 I don't want to think. You are asking me is the
23 intimacy level different is what you are asking me?

24 Q. Yeah. You know, in the three months, you

1 know, December 1st, 2016, to February 28, 2017,
2 versus March 1, 2017, to June 30, 2017, that's the
3 period of time -- the two different periods of time.
4 Does that make sense?

5 A. Yes, yes.

6 Q. So using the December to end of February,
7 as I will call that the control group, was your
8 intimacy in the March to June 2017 more, less, or the
9 same than the control group of December '16 to the
10 end of February '17?

11 A. Okay. It was a lot less so a lot less
12 starting March 2017 and on.

13 Q. And how long did it stay a lot less?

14 A. Let's see, I would say really the rest of
15 the year, the rest of 2017.

16 Q. And did it go back to normal starting
17 early '18, or did it take a while to gradually get
18 back to where your level of intimacy was during that
19 control month of the end of '16 and early 2017?

20 A. I would say it -- it was a slow increase
21 in intimacy. I would say probably around middle of
22 2018. You know, it was a gradual. I can't
23 remember -- I don't know if you all have the dates
24 when the Safety Director dismissed everything. I

1 don't know -- I don't have that date wrote down
2 anywhere but.

3 Q. Does August 2018 sound correct for that
4 date?

5 A. Right. Right. That's what I was going
6 to say. Somewhere in 2018 is when I believe the
7 pressure of her relieved and that's not consuming her
8 brain so.

9 Q. And is that when things started to get
10 better or when things got back to normal?

11 A. Just better, not normal but better.

12 Q. So it was just -- I am making sure I am
13 understanding correctly. From, you know, judging
14 against your intimacy from 2000 -- end of 2016 to the
15 end of February 2017, it was much lower from
16 March 2017 until August 2018, correct?

17 A. Yes.

18 Q. And then it had gradually started to get
19 better over, I guess, gosh, it's almost the next four
20 years now to a point where it's more intimate than
21 you've been at any other point in your marriage?

22 A. There is a reason I'm thinking, yes,
23 gradually only but you got to remember COVID though
24 and then so, you know.

1 MR. SCHLEIN: Sure. That's -- that's all
2 the follow-up I had. Thank you so much. Unless
3 Mr. Bernhart has anything based on what I was just
4 asking, appreciate your time today.

5 - - -

6 RE CROSS-EXAMINATION

7 By Mr. Bernhart:

8 Q. I just have a couple questions. I will
9 keep it brief. Mr. McFadden, you mentioned the
10 reassignment to the property room was one of the
11 other stressors, you know, in your -- that your wife
12 was dealing with, correct?

13 A. Yes.

14 Q. And I wasn't fully leaving that out
15 earlier, you know. I understand that all this
16 occurred at the -- around the same time frame in
17 2017, the allegations are made against her, she's
18 reassigned to the property room, the Division opens
19 up an investigation, the Chief of Police recommends
20 her termination, she has to go before the Public
21 Safety Director to fight for her job. All of that
22 was stressful, wasn't it?

23 A. Yes.

24 MR. SCHLEIN: I just want to clarify for

1 the record just so it's clear the recommendation for
2 termination and Safety Director hearing was not until
3 May and August 2018 so not all the events.

4 MR. BERNHART: Thanks for the
5 clarification.

6 Q. So this was, you know, a stressful period
7 in 2017, 2018 until she finds out that she is not
8 losing her job, correct?

9 A. Yes.

10 Q. And you said it was during this time
11 frame that the intimacy levels were down before they
12 gradually increased after all of this. That's
13 because, you know, the Chief of Police was
14 recommending her termination and she has fear of
15 losing her job, correct?

16 A. I guess if you -- well, one, more of the
17 being assigned to the property room, just the
18 conditions there, being in the job she was doing, so
19 I would say more because of those things, you know,
20 and then -- in addition to the allegations and
21 things.

22 Q. Kind of everything together, correct?

23 A. Correct. Yes.

24 Q. What was more stressful to your wife,

1 being assigned to the property room temporarily or
2 being under threat of losing her job?

3 A. The threat of losing her job.

4 MR. BERNHART: I have nothing further.

5 MR. SCHLEIN: I don't have anything
6 additional. Thanks so much, Charles.

7 THE WITNESS: All right. Thank you.

8 MR. SCHLEIN: Charles, you have got the
9 opportunity to read the transcript to make sure our
10 court reporter here didn't have any type of
11 typographical errors or, you know, mistype anything.
12 Would you like to do that?

13 THE WITNESS: Yes.

14 (Thereupon, at 12:14 p.m., the deposition
15 was adjourned.)

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24

Charles McFadden

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1 State of Ohio :
2 County of _____ : SS:

3 I, Charles McFadden, do hereby certify that I
4 have read the foregoing transcript of my deposition
5 given on Friday, May 20, 2022; that together with the
6 correction page attached hereto noting changes in
7 form or substance, if any, it is true and correct.

8 _____
Charles McFadden

9 I do hereby certify that the foregoing
10 transcript of the deposition of Charles McFadden was
11 submitted to the witness for reading and signing;
12 that after he had stated to the undersigned Notary
13 Public that he had read and examined his deposition,
14 he signed the same in my presence on the _____ day
15 of _____, 2022.

16 _____
Notary Public

17 My commission expires _____, _____.
18 - - -
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20
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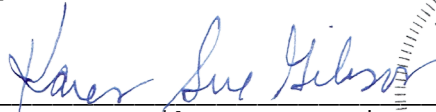
1 CERTIFICATE

2 State of Ohio :
3 County of Franklin : SS:

4 I, Karen Sue Gibson, Notary Public in and for
5 the State of Ohio, duly commissioned and qualified,
6 certify that the within named Charles McFadden was by
7 me duly sworn to testify to the whole truth in the
8 cause aforesaid; that the testimony was taken down by
9 me in stenotypy in the presence of said witness,
afterwards transcribed upon a computer; that the
foregoing is a true and correct transcript of the
testimony given by said witness taken at the time and
place in the foregoing caption specified and
completed without adjournment.

10 I certify that I am not a relative, employee,
11 or attorney of any of the parties hereto, or of any
12 attorney or counsel employed by the parties, or
financially interested in the action.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and affixed my seal of office at Columbus, Ohio,
15 on this 27th day of May, 2022.

16 
17 Karen Sue Gibson, Registered
18 Merit Reporter and Notary Public
19 in and for the State of Ohio



20 My commission expires August 14, 2025.

21 (KSG-7284)

22 - - -

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